

Application No. 10/603,049
Response to Office Action mailed March 22, 2007
Amendment dated July 23, 2007

REMARKS

INTRODUCTION

Claims 51-67 are pending in the application. The Office Action dated March 22, 2007, rejected claims 51-67 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Rejection of the Claims under 35 U.S.C. § 112, First Paragraph

In the Office Action at page 4, claims 51-67 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner suggests that the limitation “wherein said vacuum does not reach said top surface” is not supported in paragraphs [0137], [0153], and Figures 11-13 of the specification. Applicants respectfully disagree with the Examiner’s contention. Nonetheless, Applicants have amended the claims, replacing the limitation “wherein said vacuum does not reach said top surface” with the phrase “wherein said vacuum does not communicate through said substrate.” Support for this amendment is provided, for instance, by Fig. 11, which shows a substrate having a plurality of wells formed therein, wherein the substrate is free of through holes or vents that would enable a vacuum to communicate through the plate. Features of the substrate 122” that are not seen by the side view of Fig. 11, such as the wells, are shown in phantom lines. As can be seen, no through holes are provided that communicate a vacuum through substrate 122”. There is no gap between the flat bottom of substrate 122” and the surface of the substrate-holding area on which the flat bottom is seated. As described in the present specification at paragraph [0153] of U.S. Patent Application Publication No. 2004/0086426 (which corresponds to the present application), “a vacuum can be established

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...." Furthermore, the specification makes clear that the vacuum reaches to and draws upon the lower surface of the bead receiving substrate, so as to maintain the substrate in a seated position. (See, for example, paragraph [0153]).

Figs. 12A and 12B also show a substrate 122''' having a flat bottom and a vacuum passageway drawing upon the flat bottom. Figs. 12A and 12B show that there is no gap between the flat bottom and the surface of the substrate-holding area on which the flat bottom is seated, such that the vacuum does not communicate through substrate 122''' and a vacuum can be established.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge such fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

Draft.

Leonard D. Bowersox

Reg. No. 33,226

KILYK & BOWERSOX, P.L.L.C.

3603-E Chain Bridge Road

Fairfax, Virginia 22030

Tel.: (703) 385-9688

Fax.: (703) 385-9719